

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

In re Schering-Plough / Merck Merger Litig.

**DOCUMENT ELECTRONICALLY
FILED**

Civil Action No.: 09-CV-1099 (DMC)(MF)

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SCHEDULING**

IT IS HEREBY STIPULATED AND AGREED, among the undersigned interim class counsel for Plaintiff and counsel for Defendants that discovery will proceed on the following schedule:

- Defendants shall not be required to answer, move against or otherwise respond to the Consolidated Class Action Complaint until 60 days after the determination of any motion for preliminary injunction made by plaintiffs (as discussed below);
- Plaintiffs shall serve Defendants with requests for the production of documents on or before June 8, 2009;
- Defendants shall serve responses and objections to the document requests on June 17, 2009 and shall produce responsive documents on a rolling basis from June 17, 2009 until June 24, 2009;
- Plaintiffs will conduct up to 7 depositions (subject to plaintiffs' ability to petition the Court for good cause why more depositions are necessary and defendants' right to contest any such application) and, subject to the availability of the witnesses, will conduct those depositions between June 26, 2009 and July 10, 2009, with the number and names of the deponents to be agreed upon by the parties;
- Plaintiffs intend to move for a preliminary injunction and shall serve their opening memorandum of law in support of their motion for a preliminary injunction on or before July 13 2009;
- Defendants shall serve their memorandum of law in opposition to plaintiffs' motion for a preliminary injunction on or before July 20, 2009;

- Plaintiffs shall serve their reply memorandum of law in further support of their motion for a preliminary injunction on or before July 22, 2009; and
- A Hearing on plaintiffs' motion for a preliminary injunction shall be held on July 28, 2009 at 9:30 a.m.

IT IS HEREBY FURTHER STIPULATED AND AGREED that by entering into this Stipulation the parties do not waive and expressly preserve all rights, arguments and defenses consistent with the above.

Dated: June 12, 2009

By: 

James E. Cecchi, Esq.
Lindsey H. Taylor, Esq.
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
5 Becker Farm Rd.
Roseland, NJ 07068
Interim Class Counsel for Plaintiffs

By: 

Douglas S. Eakeley
Maureen A. Ruane
LOWENSTEIN SANDLER PC
65 Livingston Avenue
Roseland, New Jersey 07068

Rachelle Silverberg
Adam M. Gogolak
WACHTELL, LIPTON, ROSEN & KATZ
51 West 52nd Street
New York, New York 10019
Attorneys for the Schering Defendants

IT IS SO ORDERED:


Judge Dennis M. Cavanaugh

Date: 6/17, 2009